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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,483	08/27/2003	Jo De Buyst	979-030	6154

7590 06/10/2005

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EXAMINER

GUSHI, ROSS N

ART UNIT PAPER NUMBER

2833

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,483

Applicant(s)

BUYST ET AL.

Examiner

Ross N. Gushi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/2/05
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 6, 11-13 is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 8 is/are rejected.
- 7) ☐ Claim(s) 9, 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 1,206,024A1 ("De Buyst") in view of Schuyler.

Regarding claims 1, 2, De Buyst discloses a connector assembly for connecting two medium-voltage electrical power cables each including at least one conductor surrounded by an insulative jacket, which connector includes tubular contacts adapted connect together stripped ends said conductors inserted into said contacts and retained by means of screws (43, 44) and, at one end at least, extension means (see previously supplied attachment, in particular, the portion of the connector outward of the screws serves to extend the connector), formed as a rigid annular flange extending away from the periphery of the connector, unitarily constructed with the connector and adapted to cover (i.e. capable of covering) a portion of said insulative jacket of said cable. De Buyst does not state the dimensions of the extension portion so it is unknown whether the extension is greater than 10mm. Schuyler discloses a connector where the portion (at 16) of the connector outward of the clamping bolts 15 is relatively elongated. At the time of the invention, it would have been obvious to elongate the extension means of the connector (the distal ends of the connector) as desired, as shown in Schuyler.

Claimed variations in relative dimensions, which do not specify a device which performs or operates any differently from the prior art, do not patentably distinguish applicant's invention. Gardner v. TEC Systems, Inc., 725 F.2d 1338 (Ct. App. Fed. Cir. 1984). At the time of the invention, it would have been obvious to vary the particular dimensions of De Buyst extension means as desired to suit cables of various sizes, etc.

Per claim 7, De Buyst discloses a connection between two medium-voltage electrical power cables each including at least one conductor surrounded by insulative jacket, and an insulative sheath adapted to cover intimately at least said connector.

Per claim 8, De Buyst discloses the space between said connector and said insulative jacket of the corresponding cable filled with layer of insulative mastic 51.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ekert in view of De Buyst.

Regarding claims 1, Ekert discloses a connector for connecting two medium-voltage electrical power cables each including at least one conductor surrounded by an insulative jacket, which connector includes tubular contacts adapted connect together stripped ends said conductors inserted into said contacts and retained by means of screws (which are capable of contacting directly the conductors) and, at one end at least, extension means (see figure 2), formed as a rigid annular flange extending away from the periphery of the connector, integrally formed with said connector and adapted to cover a portion of said insulative jacket of said cable. Regarding the particular dimensions and whether the extension is greater than 10 mm, claimed variations in relative dimensions, which do not specify a device which performs or operates any

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differently from the prior art, do not patentably distinguish applicant's invention.

Gardner v. TEC Systems, Inc., 725 F.2d 1338 (Ct. App. Fed. Cir. 1984). At the time of the invention, it would have been obvious to vary the particular dimensions of Ekert device as desired to suit cables of various sizes, etc. Regarding the limitation that the screws contact the stripped conductor, the examiner points out that the conductors are not positively claimed and therefore the limitation that the screws contact the ends of the conductor is essentially an intended use limitation. The Ekert screws are clearly capable of contacting conductors directly, even if they are shown as contacting the cable insulation. De Buyst discloses the screws contacting the conductor. At the time of the invention, it would have been obvious to use the Ekert device on stripped cable or uninsulated cable as desired, as taught in De Buyst, to electrically splice two cables. No modification to the structure of Ekert is proposed by the examiner.

Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Buyst and Schuyler as in claim 1 in view of Auclair. De Buyst may not state that the edges of the connector are rounded. Auclair discloses the well known proposition that sharp edges may be rounded to prevent injury or damage to the cable (Auclair col. 2, line 64). At the time of the invention, it would have been obvious to round any sharp edges of the De Buyst device. The suggestion or motivation for doing so would have been to prevent injury to one handling the device or damage to the cable, as taught in Auclair and as is well known in the art.

Response to Arguments

Applicant argues that regarding De Buyst and Ekert, the extension means are not formed as an annular flange but are rather "simply a regular portion of the connector itself" (remarks page 7) or "simply more of the solid and block like connector body." (remarks at page 9). The examiner responds that the applicant's extension means are likewise "simply a regular portion of the connector itself" or "simply more of the solid and block like connector body." The definition for a flange is "a rib or rim for strength, for guiding, or for attachment to another body." Merriam Webster's Collegiate Dictionary, 10th ed. 1998. The rims in De Buyst and Ekert fit the definition of a "flange" to the same extent that applicant's rim does. If applicant considers the rims in De Buyst and Ekert not to be flanges, then likewise applicant's rim portion is not a flange either.

Applicant argues that the Ekert screws are not capable of not contact the stripped ends. The examiner maintains that the Ekert screws are clearly capable of contacting the stripped ends, regardless of whether Ekert shows the screws contacting the insulation. The insulation on the Ekert cable obviously be stripped back as desired.

Allowable Subject Matter

Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims for the reasons previously indicated.

Claims 11, 6 and 12 are allowable for the reasons previously indicated. Claim 13 is allowable. The prior art does not suggest the assembly as claimed, including the combination of all the claimed elements, the combination including that the extension

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means is a flexible semiconductor rubber skirt and that the extension means remain fixed to and located over only a portion of and near the periphery of said connector.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross Gushi whose telephone number is (571) 272-2005. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Paula A. Bradley, can be reached at 571-272-2800 extension 33. The phone number for the Group's facsimile is (703) 872-9306.


ROSS GUSHI
PRIMARY EXAMINER